



2012-2013

Case Law Update and Discussions

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2012-2013 Case Law Update and Discussion

***Presented by:
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Knoxville

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Gerda Ameristeel v. Ratliff

- Tennessee Supreme Court, June 7, 2012
- Facts: Employee watched coworker die in February 2008 and another coworker die in April 2008. Employee diagnosed with PTSD on June 23, 2008. Employee filed request for BRC on June 23, 2009.



Gerda v. Ameristeel v. Ratliff

- Issue: Does statute of limitations bar PTSD claim?
- Holding: No, because claim was filed within one year of the diagnosis.



Word v. Metro Air Services, Inc.

- Tennessee Supreme Court, August 21, 2012
- Facts: Parties file competing lawsuits immediately following an impasse



Word v. Metro Air Services, Inc.

- Issue: Can extrinsic evidence be admitted to determine the winner of a race to the courthouse?
- Holding: No, unambiguous court records speak for themselves



Chapman v. Davita, Inc.

- Tennessee Supreme Court, September 21, 2012
- Facts: Employee files RFA, followed by 6 months of inactivity by DOL. Employee then files suit.



Chapman v. Davita, Inc.

- Issue: Should case be dismissed due to lack of subject matter jurisdiction?
- Holding: Yes, DOL's delay does not excuse Employee's failure to exhaust administrative remedies.



Cooper v. Logistics Insight Corp.

- Tennessee Supreme Court, January 16, 2013
- Facts: Temporary Employee injured when his tow motor fell out of trailer being pulled away from loading dock. Employee recovers workers' compensation benefits from staffing company and brings tort lawsuit against driver and driver's employer.



Cooper v. Logistics Insight Corp.

- Issue #1: Was Employee and tort defendant allowed to settle tort case without approval of the Employer with subrogation lien?
- Holding: Yes, but the parties to the tort case may seek court approval to ensure that the allocation of settlement proceeds between Employee and spouse is fair and reasonable, and this would have been the “better practice.”



Cooper v. Logistics Insight Corp.

- Issue #2: Does TCA ' 50-6-112 grant Employer a subrogation lien for the cost of ***future*** medical expenses against the proceeds of tort recovery?
- Holding: No, as this would mean that the proceeds of the tort recovery would be held hostage for an indefinite period of time to reimburse the Employer when the Employee sought medical benefits in the future.



Britt v. Dyer's Employment Agency

- Tennessee Supreme Court, January 22, 2013
- Facts: Temporary Employee injured three weeks into job assignment. Job assignment ends and Employee is terminated by temp service. No other job assignments were offered.



Britt v. Dyer's Employment Agency

- Issue: Does 1½ times cap apply?
- Holding: No, because Employee was not returned to work, was not offered opportunity to return to work, and was not terminated for misconduct.



Rodgers v. GCA Services Group and Weakley County

- Tennessee Court of Appeals, February 13, 2013
- Facts: Custodian died allegedly due to mold exposure while cleaning at Weakley County High School for years after water leak.



Rodgers v. GCA Services Group and Weakley County

- Issue: Does Exclusive Remedy Rule bar tort case against Weakley County, despite allegations of intentional harm?
- Holding: Yes, Exclusive Remedy Rule applies. Weakley County is Statutory Employer. While there is an “actual intent” exception to rule, it does not apply without alleged facts constituting an actual intent to bring about injury.



Furlough v. Spherion Atlantic Workforce

- Tennessee Supreme Court, February 22, 2013
- Facts: Employee files motion in court to set aside a DOL-approved settlement, due to alleged inaccuracy in settlement agreement.



Furlough v. Spherion Atlantic Workforce

- Trial Court set aside settlement, relying on Rule 60.02(5) of the T.R.C.P. and its “inherent authority.”
- Trial Court found that Employee did not receive substantially the benefits he was entitled to, Employee was “not represented,” and Employee was not thoroughly informed as to his rights.



Furlough v. Spherion Atlantic Workforce

- Panel vacated Trial Court's judgment on procedural issue – i.e. court lacked jurisdiction due to failure to exhaust administrative remedies.
- SD-1 was incomplete, and therefore the settlement was not final.



Furlough v. Spherion Atlantic Workforce

- Issue #1: Did incomplete SD-1 compromise the finality of the settlement?
- Holding: No, when DOL approves settlement and accompanying SD-1, court may not second-guess DOL's apparent determination that the form was "fully completed."



Furlough v. Spherion Atlantic Workforce

- Issue #2: Must administrative remedies be exhausted to attempt to set aside a settlement?
- Holding: No, exhaustion only required in order to file a “claim of compensation” – not to attempt to set aside a settlement.



Furlough v. Spherion Atlantic Workforce

- Issue #3: Is UAPA the only means of judicial review of a DOL-approved settlement?
- Holding: No, UADA is sole means of “appealing” a DOL settlement, but is not required to attempt to set aside a settlement that was DOL-approved.



Furlough v. Spherion Atlantic Workforce

- Issue #4: Was it appropriate to set aside DOL settlement under Rule 60 of T.R.C.P.
- Holding: No, the Employee was in fact represented, and the petition to set aside based on “mistake” in settlement agreement was untimely.



Furlough v. Spherion Atlantic Workforce

- Issue #5: Did Trial Court properly exercise “inherent authority” to set aside DOL settlement?
- Holding: No, because Employee had other available and adequate remedies and Employee was not without fault.



Vandall v. Aurora Healthcare

- Tennessee Supreme Court, April 24, 2013
- Facts: Employee falls for unknown reason, though Employee noted that substances are spilled on floor constantly and her foot “stuck” at time of fall.



Vandall v. Aurora Healthcare

- Issue: Should compensability of fall be denied as “idiopathic”?
- Holding: No, deference given to trial court’s finding that Employee’s version of fall was credible.





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